

MINUTES
Independence Planning Commission/Board of Zoning Appeals
Tuesday, May 3, 2016
Veterans Room, Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Jim Hardy, Steve McBride, Mary Schmidt, Darnell Lawrie and Philip Umlauf

Planning Commissioners Absent

Nick McCollam*, John Faller, Mary Jo Dancer* and Tony Holmes

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present

Scott Cook, Casey's representative.

a. Consider approving minutes of the April 5, 2016 meeting.

Jim Hardy made a motion to approve the minutes from the April 5, 2016 meeting. Steve McBride seconded the motion to approve the minutes. Motion carried 5-0.

Board of Zoning Appeals

b. Consider a request for a variance to encroach on the setbacks in a C-2 zoned district at 1305 N. Penn.

Scott Cook represented Casey's and explained the planned 16' building expansion on the south side was to allow them to make fresh made subs and to expand their pop and coffee drink station. He also indicated that there may be an addition on the north side to allow for a larger cooler.

Staff provided the following staff report to the board in written form prior to the meeting:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Casey's Retail Company to grant a variance from the setback regulations as provided for in the zoning ordinance. Their request is to encroach upon the front yard and rear yard setbacks to add an addition to their existing building. They are requesting to encroach on the 35' required front yard setback 8' and the 25' required rear yard setback 21' 5".

Review of Request

The applicant is planning to construct an addition to their building which will reduce the 35' front yard setback to 27' and the 25' rear yard setback to 3' 7".

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;* The existing building encroaches on the rear yard setback and the addition would make this current encroachment. Because this is a corner lot the front yard setback applies on both Penn Avenue and Oak Street. The front yard setback off Oak, which is actually the south side of their building because it adjoins a Street, would be also be encroached to accommodate this expansion.

b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* It is not believed that this encroachment will create any adverse effects to adjacent property owners.

c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The hardship would consist of not allowing the business to expand their building.

d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will affect public health, safety or general welfare.

e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

Staff recommends approving the variances as follows; reduce the front yard setback on the south (Oak Street) side 8'; from 35' to 27' as requested; and reduce the rear yard setback on the west 22', from 25' to 3'. Staff is recommending the additional encroachment allowance of 7" to provide the applicant some "wiggle room" in the event the addition as built does not exactly match the requested setback.


A motion was made by Steve McBride and seconded by Darnell Lawrie to accept staff's recommendation to approve the variances as follows; reduce the front yard setback on the south (Oak Street) side 8'; from 35' to 27' as requested; and reduce the rear yard setback on the west 22', from 25' to 3'. The motion carried 5-0.


Planning Commission

c. None.

Adjournment

The meeting was adjourned with a motion by Jim Hardy and a second by Darnell Lawrie. The motion carried 5-0.


Mary Schmidt, Chair


Darnell Lawrie, Secretary